

### **REMARKS/ARGUMENTS**

The Final Office Action mailed June 16, 2009, has been carefully reviewed and these remarks are responsive to that Office Action. Upon entry of this paper, claims 1-4, 7-11, and 21-32 are pending in this Application. Claims 5-6 and 12-20 have been cancelled without prejudice, claims 1, 7-8, 11, 21, 22, and 24 have been amended, and claims 25-32 have been added.

Applicant acknowledges withdrawal of the objections to the specification and claims and the claim rejections under 35 U.S.C. §101. Reconsideration and allowance of this application are respectfully requested. The Examiner is invited to contact the undersigned should it be deemed helpful to facilitate prosecution of the application.

#### **Rejection under 35 U.S.C. § 103**

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over El-Rafie (U.S. Patent No. 6,968,394), hereinafter referred to as El-Rafie, in view of Perlman (U.S. Patent No. 6,813,643), hereinafter referred to as Perlman, and Chelehmal (U.S. Publication No. 2002/0046406), hereinafter referred to as Chelehmal. Claim 13 has been cancelled, thus rendering this rejection moot. Although Applicants do not agree with the rejection, claim 13 has been cancelled solely to advance prosecution of the remaining pending claims.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over El-Rafie, Perlman and Chelehmal as applied to claim 13 above, and further in view of Craven (U.S. Publication No. 2005/0123001), hereinafter referred to as Craven. Claims 14-15 have been cancelled, thus rendering this rejection moot. Although Applicants do not agree with the rejection, claims 14-15 have been cancelled solely to advance prosecution of the remaining pending claims.

Claims 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over El-Rafie, Perlman and Chelehmal and Craven as applied to claim 15 above, and further in view of Chelehmal. Claims 17 and 19 have been cancelled, thus rendering this rejection moot. Although Applicants do not agree with the rejection, claims 17 and 19 have been cancelled solely to advance prosecution of the remaining pending claims.

Claims 1-3, 7, 11-12 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman in view of Rakib (U.S. Publication No. 2002/0031120), hereinafter referred to as Rakib.

Claim 1 has been amended to recite, *inter alia*,

a demultiplexer in communication with the switch and the data processor configured to process AV payloads both from the separate AV packets of the integrated transport and from the AV signals of the AV only transport, wherein the AV only transport and the integrated transport are received from the switch

The amendment is supported by the patent application as originally filed, *e.g.*, Figure 2 and page 12, lines 9-17.

Regarding claim 1, Perlman or Rakib, either alone or in combination, do not teach or suggest the above feature. The Office Action admits that “Perlman is silent as to a demultiplexer in communication with the switch and data processor configured to demultiplex AV packets outputted therefrom.” The Office Action alleges that Rakib discloses (Page 9):

a demultiplexer in communication with the switch and data processor configured to demultiplex the AV packets outputted therefrom (see paragraph 0078), a tuner and demodulator configured to tune to a radio frequency (RF) carrier frequency associated with the transport and demodulate the tuned transport for output to a switch (see paragraph 0039), and a decoder in communication with the demultiplexer and configured to decode AV payloads for output to a video port and an audio port (see paragraph 0083).

Rakib describes a “system for wireless remote control of a gateway and ordering or invocation of services by a headend.” (See Abstract of Rakib). Paragraph 78 of Rakib merely describes a receiver 106 that “has the ability to tune and demultiplex two separate logical channels simultaneously in some embodiments.” (See paragraph 78 of Rakib). Further, “this will be done by filtering out all MPEG packets having two separate program descriptors (PID) and providing these MPEG packets to switching circuit 112.” (See paragraph 78 of Rakib). Thus, within Rakib, the receiver 106 provides MPEG packets to switch 112 but fails to suggest the feature of “a demultiplexer in communication with the switch and the data processor configured to process

AV payloads both from the separate AV packets of the integrated transport and from the AV signals of the AV only transport, wherein the AV only transport and the integrated transport are received from the switch.” (emphasis added.)

None of the references of record (Perlman, El-Rafie, Rakib, Craven, Lu, etc) remedy this deficiency, and for at least these reasons, Applicants respectfully submit that independent claim 1 distinguishes over the references of record and is in condition for allowance. Claims 2-3, 7, and 11 depend from independent claim 1 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite. Claim 12 has been previously cancelled, thus rendering this rejection moot.

Independent claim 21 has also been amended to recite a feature similar to a feature discussed above for independent claim 1. Hence, for reasons similar to those presented above in support of claim 1, Applicants submit that independent claim 21 is in condition for allowance.

Claims 22-23 depend from independent claim 1 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Claims 4 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman and Rakib as applied to claim 1 above, and further in view of Chelehmal. Claims 4 and 24 depend from independent claim 1 discussed above and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Perlman and Rakib as applied to claim 1 above, and further in view of Lu (U.S. Publication No. 2004/0179610), hereinafter referred to as Lu. Claims 8-10 depend from independent claim 1 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

### **New Claims**

Applicant is adding claims 25-32, which are supported by the specification as originally filed, *e.g.*, pages 11-12. New claim 25 recites, among other things:

demultiplexing AV payloads both from the AV packets received from the data processor and from the AV signals received from the switch

None of the references of record teach or suggest at least this feature of new claim 25. As explained above for independent claim 1, the Office Action relies on Rakib to teach the demultiplexing feature of claim 1. Similar to the arguments presented above in support of claim 1, the receiver 106 of Rakib demultiplexes packets and forwards them to switch 112. Hence, Rakib does not teach or suggest “demultiplexing AV payloads both from the AV packets received from the data processor and from the AV signals received from the switch,” as claimed (emphasis added). None of the other references cure this deficiency in Rakib; thus Applicants submit that claim 25 is in condition for allowance.

Dependent claims 26-32 depend from independent claim 25 and are in condition for allowance at least due to their dependence on an allowable claim as well as the features they recite.

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**CONCLUSION**

All rejections having been addressed, applicant respectfully submits that this application is in condition for allowance, and respectfully requests issuance of a notice of allowance.

Respectfully submitted,

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